

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 PEDRO GARCIA,

4 Plaintiff

Case No. 3:20-cv-00071-MMD-CLB

ORDER

5 v.

6 DAVIS et al.,

7 Defendants
8

9 **I. DISCUSSION**

10 Plaintiff filed a motion to file an amended complaint. (ECF No. 3). The Court has
11 not yet screened Plaintiff's original complaint. (ECF No. 1-1). The Court grants Plaintiff's
12 motion to file an amended complaint. Plaintiff should note that, if he chooses to file an
13 amended complaint, he is advised that an amended complaint supersedes (replaces) the
14 original complaint and, thus, the amended complaint must be complete in itself. *See Hal*
15 *Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989)
16 (holding that "[t]he fact that a party was named in the original complaint is irrelevant; an
17 amended pleading supersedes the original"); *see also Lacey v. Maricopa Cnty.*, 693 F.3d
18 896, 928 (9th Cir. 2012) (holding that for claims dismissed with prejudice, a plaintiff is not
19 required to reallege such claims in a subsequent amended complaint to preserve them
20 for appeal). Plaintiff's amended complaint must contain all claims, defendants, and
21 factual allegations that Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff should
22 file the amended complaint on this Court's approved prisoner civil rights form and it must
23 be entitled "First Amended Complaint." Plaintiff will file his first amended complaint on or
24 before Friday, May 8, 2020. If Plaintiff fails to file a first amended complaint by the
25 deadline, the Court will screen Plaintiff's original complaint (ECF No. 1-1).

26 **II. CONCLUSION**

27 For the foregoing reasons, it is ordered that the motion to amend complaint (ECF
28 No. 3) is granted.

1 It is further ordered that Plaintiff will file his first amended complaint on or before
2 Friday, May 8, 2020.

3 It is further ordered that the Clerk of the Court will send to Plaintiff the approved
4 form for filing a § 1983 complaint, instructions for the same, and a copy of his original
5 complaint (ECF No. 1-1). If Plaintiff chooses to file an amended complaint, he should use
6 the approved form and he will write the words "First Amended" above the words "Civil
7 Rights Complaint" in the caption.

8 It is further ordered that, if Plaintiff fails to timely file his first amended complaint,
9 the Court will screen the original complaint (ECF No. 1-1).

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11 DATED THIS 6th day of April 2020.

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13 UNITED STATES MAGISTRATE JUDGE
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